

**CASE**

**NUMBER:**

99-253

INDEX FOR CASE: 99-253UAC  
GTE WIRELESS OF THE MIDWEST

Construct  
CELL SITE - 1710 OWENTON ROAD - CORINTH, GRANT

IN THE MATTER OF THE APPLICATION OF SBA TOWERS, INC. AND GTE WIRELESS OF THE MIDWEST INCORPORATED FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY IN THE CINCINNATI-DAYTON MAJOR TRADING AREA WHICH INCLUDES BOONE KENTON, CAMPBELL GALLATIN, GRANT, PENDLETON, BRACKEN MASON, LEWIS, GREENUP, CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON, MARTIN, FLOYD AND PIKE COUNTIES, KENTUCKY

SEQ NBR	ENTRY DATE	REMARKS
0001	06/18/99	Application.
0002	06/24/99	Acknowledgement letter.
0003	07/09/99	No deficiency letter.
M0001	07/20/99	BRENT RICE / SBA TOWERS GTE WIRELESS-RETURN RECEIPTS FOR CORRESPONDENCE FORWARDED VIA CERTI
M0002	07/29/99	GANT CO PLANNING COMMISSION-MOTION FOR INTERVENTION
0004	08/11/99	Order granting motion of the Grant County Planning Commission to intervene.
M0003	08/19/99	JOHN SIMKONIS GRANT CO PLANNING COMM-RECOMMENDATIONS FOR PLACEMENT OF CELL SITE
M0004	09/16/99	SANDRA KEENE SBA TOWERS & GTE WIRELE-APPLICANTS MOTION TO SUBMIT MATTER FOR APPROVAL ON THE
0005	09/23/99	Final Order granting a C/N to construct a wireless telecommunications facility.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-253 UAC  
GTE WIRELESS OF THE MIDWEST

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on September 23, 1999.

See attached parties of record.

*Stephanie J. Bell*  
Secretary of the Commission

SB/hv  
Enclosure

Ms. Charon Harris  
Director, Regulatory Matters  
GTE Wireless of the Midwest  
1200 Ashwood Parkway  
Third Floor  
Atlanta, GA. 30338

SBA Towers, Inc.  
One Town Center Road  
3rd Floor  
Boca Raton, FL. 33486

SBA Towers, Inc.  
2310 Valletta Lane  
Louisville, KY. 40205

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis,  
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163 West Short Street, Suite 300  
Lexington, KY. 40507 1361

Mr. John Simkonis  
Executive Director  
Grant County Planning Commission  
Grant County Courthouse  
101 North Main Street  
Williamstown, KY. 41097

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE )  
WIRELESS OF THE MIDWEST INCORPORATED )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY IN )  
THE CINCINNATI-DAYTON MAJOR TRADING )  
AREA ("MTA") WHICH INCLUDES BOONE, )  
KENTON, CAMPBELL, GALLATIN, GRANT, )  
PENDLETON, BRACKEN, MASON, LEWIS, )  
GREENUP, CARTER, BOYD, ELLIOTT, )  
LAWRENCE, JOHNSON, MARTIN, FLOYD, AND )  
PIKE COUNTIES, KENTUCKY ("CORINTH/01-1548 )  
FACILITY") )

CASE NO.  
99-253-UAC

O R D E R

On June 18, 1999, SBA Towers, Inc. ("SBA") and GTE Wireless of the Midwest Incorporated (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 1710 Owenton Road, Corinth, Grant County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 29' 9.09" by West Longitude 84° 35' 10.2".

SBA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987, the Applicants have submitted a copy of the uniform application to the Grant County Planning Commission ("Planning Commission"). The Planning Commission intervened in this proceeding pending its review of the proposal. The Planning Commission later filed comments stating that it had approved the proposed construction. The Applicants have filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no comments have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, SBA should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by SBA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. SBA is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 1710 Owenton Road, Corinth, Grant County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 29' 9.09" by West Longitude 84° 35' 10.2".

2. SBA shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 23rd day of September, 1999.

By the Commission

ATTEST:

  
Executive Director

# Grant County Planning Commission

Grant County Courthouse – 101 North Main Street  
Williamstown, Kentucky 41097  
606 824 7770 – 606 824 7796 – [www.grantcopz.com](http://www.grantcopz.com)

AUG 19 1999

Kentucky Public Service Commission (KYPSC)  
Attn: Helen C. Helton, Executive Director  
730 Schenkel Lane  
Frankfort, Kentucky 40602-0615

August 17, 1999

RE: Communications Services Facility – **Case Number 99-253 UAC.**

Dear Mrs. Helton:

On June 18, 1999 the Grant County Planning Commission received an application from SBA Towers, Inc. / GTE Wireless (6001 Broken Sound Parkway 4<sup>th</sup> Floor – Boca Raton, FL 33487), to construct a communications facility (“tower”) at 1710 Owenton Road, Corinth, Grant County, Kentucky.

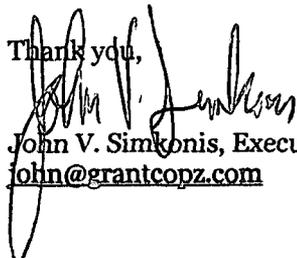
The Grant County Planning Commission met on August 16, 1999 to review SBA Towers, Inc. / GTE Wireless’s application and will make the recommendation of approval for this site with the following conditions:

1. The communications facility (“tower”) have a permitted height of 350 feet (with possible adjustment to 400 feet).
2. The communications facility (“tower”) have at least one parking space.
3. The communications facility (“tower”) have all access drives and parking spaces paved with asphalt.
4. The communications facility (“tower”) use barbwire on the top of the fences and slats within the chain links for privacy when building the compound.
5. The communications facility (“tower”) have landscaping on all four sides of the compound.
6. A written agreement between SBA Towers, Inc. / GTE Wireless and the local governing body for the upkeep of all landscaping and equipment.

Please see attached meeting minutes for more details on the public hearing for this communications facility (“tower”) at Corinth.

In addition, please contact me with any questions about the hearing or application for SBA Towers, Inc. / GTE Wireless.

Thank you,

  
John V. Simkonis, Executive Director  
[john@grantcopz.com](mailto:john@grantcopz.com)

**ITEM 2. TELECOMMUNICATIONS TOWER - 1710 OWENTON RD. - SBA/GTE**

Chairman, John Lawrence declared the public hearing open at: 8:13.

Brooke Wooton excused herself from all discussion and voting due to a personal conflict.

The commission reviewed copies of the site plan.

Mrs. Keene stated that they were asking for the tower to be built to 350 ft with FAA approval to 400 ft. she said they would withdraw the landscaping waiver but asked to waive the paving requirements because the property owner asked that the trees not be disturbed and they felt paving might require removing some of the trees.

John Parker, Engineer stated that this tower was as far south as they could go because they could not go over the county line. He said that of all the towers this site the one that could possibly be moved.

Chairman, John Lawrence asked if anyone wished to speak for or against the application.

The owner of the property on which this tower is proposed that he requested that the drive not be paved so as not to disturb any of the trees. He stated that he would agree to pavement as long as the width of the drive did not change.

Chairman, John Lawrence declared the public hearing closed at 8:30.

Sam Womble made a motion to approve the site with the tower to be built to a height of 350 ft. expandable to 400 ft., the drive and parking must be paved, landscaping must be done and fence height requirements met. Steven Mann seconded the motion. A roll call vote was taken: Vernon Webster: yes, Robert Worthington: yes, Sam Womble: yes, William Covington: yes, Marvin Faulkner: yes, Steven Mann: yes, Jim Weigel: yes, Brooke Wooton: excused herself from voting. Motion passes 7 to 0.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

August 11, 1999

To: All parties of record

RE: Case No. 99-253 UAC

We enclose one attested copy of the Commission's Order in  
the above case.

Sincerely,

*Stephanie D. Bell*  
Stephanie Bell  
Secretary of the Commission

SB/hv  
Enclosure

Ms. Charon Harris  
Director, Regulatory Matters  
GTE Wireless of the Midwest  
1200 Ashwood Parkway  
Third Floor  
Atlanta, GA 30338

SBA Towers, Inc.  
One Town Center Road  
3rd Floor  
Boca Raton, FL 33486

SBA Towers, Inc.  
2310 Valletta Lane  
Louisville, KY 40205

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis,  
Leslie & Kirkland  
163 West Short Street, Suite 300  
Lexington, KY 40507 1361

Mr. John Simkonis  
Executive Director  
Grant County Planning Commission  
Grant County Courthouse  
101 North Main Street  
Williamstown, KY 41097

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE )  
WIRELESS OF THE MIDWEST INCORPORATED )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY IN )  
THE CINCINNATI-DAYTON MAJOR TRADING ) CASE NO.  
AREA ("MTA") WHICH INCLUDES BOONE, ) 99-253-UAC  
KENTON, CAMPBELL, GALLATIN, GRANT, )  
PENDLETON, BRACKEN, MASON, LEWIS, )  
GREENUP, CARTER, BOYD, ELLIOTT, LAWRENCE, )  
JOHNSON, MARTIN, FLOYD AND PIKE COUNTIES, )  
KENTUCKY, ("CORINTH/01-1548 FACILITY") )

O R D E R

This matter arising upon the motion of the Grant County Planning Commission ("Planning Commission"), filed July 29, 1999, for full intervention, and it appearing to the Commission that the Planning Commission has a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

1. The motion of the Planning Commission to intervene is granted.

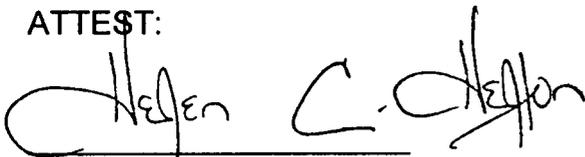
2. The Planning Commission shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should the Planning Commission file documents of any kind with the Commission in the course of these proceedings, it shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 11th day of August, 1999.

By the Commission

ATTEST:

A handwritten signature in cursive script, appearing to read "Helen C. Coffey". The signature is written in dark ink and is positioned above a horizontal line.

Executive Director

# Grant County Planning Commission

Grant County Courthouse – 101 North Main Street  
Williamstown, Kentucky 41097  
606 824 7770 – 606 824 7796 – [www.grantcopz.com](http://www.grantcopz.com)

RECEIVED  
JUL 29 1999  
PUBLIC SERVICE  
COMMISSION

Kentucky Public Service Commission (KYPSC)  
Attn: Helen C. Helton, Executive Director  
730 Schenkel Lane  
Frankfort, Kentucky 40602-0615

July 27, 1999

RE: Cell Tower for Case Number 99-250 UAC (The Crittenden/01-1545 Facility)  
Cell Tower for Case Number 99-241 UAC (The Dry Ridge/01-1546 Facility)  
Cell Tower for Case Number 99-244 UAC (The Wmstown/01-1549 Facility)  
Cell Tower for Case Number 99-253 UAC (The Corinth/01-1548 Facility)  
Cell Tower for Case Number 99-286 UAC (The Mason/01-1547 Facility)

Dear Mrs. Helton:

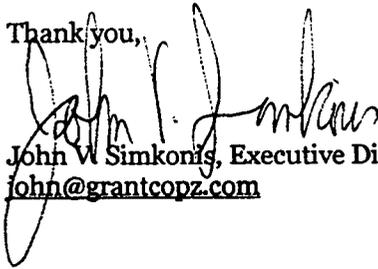
The Grant County Planning Commission would like to make a Motion to Intervene with regards to the above cases. The utility company representing these applications has not made any attempt to conform to the local codes regarding cell towers for Grant County, Kentucky.

I wanted to make sure that the Grant County Planning Commission had sent a statement regarding these towers before our 60 days were up to respond to these issues. The commission will meet on August 16, 1999 to hold a public hearing on the matter (still within 60 days to respond), I will be sending you our recommendations on August 17.

I hope that the Public Service Commission will not accept these applications as complete without allowing said utility company to meet all local codes.

Please call me with any questions.

Thank you,

  
John W Simkonis, Executive Director  
[john@grantcopz.com](mailto:john@grantcopz.com)

Case file



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

July 9, 1999

To: All parties of record

RE: Case No. 99-253 UAC  
GTE WIRELESS OF THE MIDWEST

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

*Stephanie D. Bell*

Stephanie Bell  
Secretary of the Commission

SB  
Enclosure

Ms. Charon Harris  
Director, Regulatory Matters  
GTE Wireless of the Midwest  
1200 Ashwood Parkway  
Third Floor  
Atlanta, GA. 30338

SBA Towers, Inc.  
6001 Broken Sound Parkway, 4th Floor  
Boca Raton, FL. 33487

SBA Towers, Inc.  
2320 Valletta Lane  
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Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis,  
Leslie & Kirkland  
163 West Short Street, Suite 300  
Lexington, KY. 40507 1361

**FILED**

JUN 18 1999

**PUBLIC SERVICE  
COMMISSION**

**FOR THE PUBLIC RECORD**

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

**RECEIVED**  
JUN 18 1999  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE )  
 WIRELESS OF THE MIDWEST INCORPORATED )  
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 CONVENIENCE AND NECESSITY TO CONSTRUCT )  
 A WIRELESS COMMUNICATIONS FACILITY IN )  
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 AREA ("MTA") WHICH INCLUDES BOONE )CASE NO. 99-253 UAC  
 KENTON, CAMPBELL GALLATIN, GRANT, )  
 PENDLETON, BRACKEN MASON, LEWIS, GREENUP, )  
 CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON, )  
 MARTIN, FLOYD AND PIKE COUNTIES, KENTUCKY )  
 ("CORINTH/01-1548 FACILITY") )

**UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY**

\* The specific location of the proposed construction at 1710 Owenton Road, Corinth, Grant County, Kentucky.

\*\* This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
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**Ronald B. McCloud, Secretary**  
**Public Protection and**  
**Regulation Cabinet**

**Helen Helton**  
**Executive Director**  
**Public Service Commission**

**Paul E. Patton**  
**Governor**

June 24, 1999

To: All parties of record

RE: Case No. 99-253 UAC  
GTE WIRELESS OF THE MIDWEST INCORPORATED  
& SBA TOWERS, INC.  
(Construct) CELL SITE – 1710 OWENTON ROAD – CORINTH, GRANT

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received June 18, 1999 and has been assigned Case No. 99-253 UAC. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

SB/jc



Ms. Charon Harris  
Director, Regulatory Matters  
GTE Wireless of the Midwest  
1200 Ashwood Parkway  
Third Floor  
Atlanta, GA. 30338

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6001 Broken Sound Parkway, 4th Floor  
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Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis,  
Leslie & Kirkland  
163 West Short Street, Suite 300  
Lexington, KY. 40507 1361

**FILED**

JUN 18 1999

**PUBLIC SERVICE  
COMMISSION**

**FOR THE PUBLIC RECORD**

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

**RECEIVED**  
JUN 18 1999  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE )  
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 CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON, )  
 MARTIN, FLOYD AND PIKE COUNTIES, KENTUCKY )  
 ("CORINTH/01-1548 FACILITY") )

**UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY**

\* The specific location of the proposed construction at 1710 Owenton Road, Corinth, Grant County, Kentucky.

\*\* This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).

**McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC**

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PHILLIP BRUCE LESLIE \*  
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J. D. ATKINSON, JR.  
JAMES G. AMATO  
GEORGE D. GREGORY \*\*  
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W. BRENT RICE  
JAMES H. FRAZIER, III +  
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LISA ENGLISH HINKLE  
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LUKE BENTLEY III  
STEPHEN G. AMATO  
MARY ESTES HAGGIN  
R. STEPHEN MCGINNIS ++  
JON A. WOODALL  
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\* ALSO ADMITTED IN OHIO  
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+ ALSO ADMITTED IN TEXAS & FLORIDA  
++ ALSO ADMITTED IN WEST VIRGINIA

WATSON CLAY (1908-1985)  
OSCAR SAMMONS (1908-1985)

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DIRECTOR OF GOVERNMENTAL RELATIONS  
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502-875-1178  
FACSIMILE 502-226-6234

June 18, 1999

RECEIVED  
JUN 21 1999  
PUBLIC SERVICE  
COMMISSION

Ms. Stephanie Bell  
Secretary of the Commission  
Kentucky Public Service Commission  
P.O. Box 615  
730 Schenkel Lane  
Frankfort, KY 40601

RE: Case Number 99-253 UAC  
SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated  
(Corinth/01-1548 Facility)

Dear Ms. Bell:

This letter is to follow up my request for a case number on June 18, 1999. The application is on behalf of SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated for a cell site located on 1710 Owenton Road, Corinth, Grant County, Kentucky. I was given Case Number 99-253 UAC. We intend to file the application no later than June 23, 1999. If there are any questions, you may contact the undersigned at our Lexington office (606)231-8780). Thank you for your attention to this matter.

Sincerely,



W. Brent Rice

WBR/dkw